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Our Ref.: 146.1307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
 JEAN-LUC DUBOIS :
 Serial No.: 09/202,217 :
 Filed: December 9, 1998 :
 For: NEW DEVICES...AS MEDICAMENTS :

600 Third Avenue
 New York, NY 10016
 July 21, 2001

RENEWED PETITION UNDER RULE 47

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

In response to the Decision on Petition dated July 2, 2001, Applicant again requests that the application be given the original filing date and believe that all the requirements of Rule 47 have been met with.

In the Decision, the Legal Examiner indicated that factual proof that the inventor refuses to execute the application was not met since the Declaration of Jean-Claude Vieillefosse indicated that there was an oral refusal on December 22, 1998 to execute the application, while Mr. Dubois was not presented the application papers until December 30, 1998 and it has not been established that Mr. Dubois failed to respond to the application papers sent to him then.

This is not an accurate statement since it should be noted that the papers were originally submitted to Mr. Dubois on November

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9, 1998 with Miss Louvet's letter of that date which was submitted with a second Declaration. Therefore, he had the documents in his possession at the time Mr. Vieillefosse spoke with him on December 22, 1998. Mr. Dubois had the documents in his hand and, as clearly set forth in Mr. Vieillefosse's third Declaration, he refused to execute the Assignment and Declaration. Therefore, it is believed that Item 2 has been complied with.

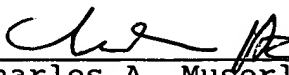
With respect to Item 5, the Legal Examiner has indicated that, while Mr. Vieillefosse states that Mr. Vieillefosse of his own personal knowledge knows that the invention was made by Mr. Dubois while employed by Hoechst Marion Roussel, the successor to Roussel Uclaf, it was insufficient since there were no facts set forth by Mr. Vieillefossee.

It is deemed that this is not an accurate statement. We have of record with the first Declaration, a statement that Mr. Dubois was employed by Roussel Uclaf from September 2, 1985 until December 31, 1997. Since the priority document for the present application was filed on June 11, 1996, the record is clear that he was employed by Hoechst Marion Roussel at the time the invention was made. Moreover, Miss Louvet's letter submitted with the second Declaration clearly informs Mr. Dubois that he was named as the inventor of the application when she presented him with the documents for signature. Mr. Dubois' employment contract which is of record requires him to assign all inventions made during his

period to the assignee. You have Mr. Vieillefosse's unconditional statement that he knows that he is an inventor. Moreover, he has been designated as the inventor in the PCT filing and it is believed that it is uncontroverted that Mr. Dubois was the inventor of the application, particularly since you have a sworn statement by a person who, from his own personal knowledge, knows that he was the inventor. It is believed that the evidence is overwhelming that Mr. Dubois is the inventor.

Therefore, it is believed that Applicant's have complied with all the requirements of Rule 47 and that Item 5 has been met. Therefore, granting of the Petition is requested. It should be noted that the present application has been pending since December 9, 1998 and it is asked that the Patent Office now grant the original filing date and pass the application to the group for examination in due course since Applicant's 20 year period is running.

Respectfully submitted,
BIERMAN, MUSERLIAN AND LUCAS


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Enclosure: Return Receipt Postcard